

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

3-11-06

to:petition director

37cfr\$ 1.181 RE: Abandonment of Application #10774080

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STATEMENT OF FACTS

Moti Shai, hereinafter "Applicant", filed an application on the 9th of February 2004. On the 21st of July, 2004, Applicant received a pre-exam formalities notice indicating that his application for patent was insufficient in; the amount of \$10, for a basic filing fee, small entity, unsigned oath and a late filing fee of \$65, small entity in compliance with 37 CFR 1.27. Applicant was required to submit a total of \$75, a new oath with application number and the identity of the citizenship of each inventor.

Applicant responded on the 19th of August 2004, with a new executed oath, his name, citizenship, application number, and status as the sole inventor, within the 2-month reply period. On 13th of December 2004, Applicant received a response that Applicant needed a signature on the oath or declaration. On the 14th of January 2005, Applicant responded with a new declaration with his signature.

On the 11th of January 2006, Applicant submitted a petition to make his application special, due to health related reasons. Upon receiving the petition, Applicant received a response denying the petition as well as informing the Applicant that the current application was abandoned.

POINTS TO BE REVIEWED

Applicant has made every reasonable effort to comply with USPTO policy and procedure. Applicant requests that the abandoned designation be lifted because his multiple responses dated 19th of August 2004, 14th of January 2005 and 27th of January 2005, completed the response to file missing parts, thus completed the application and warranted a filing date.

In Applicant's initial reply of 19th of August, Applicant included his signature, citizenship and status as required by the Examiner. Applicant believes that the Examiner may have over looked this detail because the initial response was not on the proper documentation. Examiner's response of 13th of December 2004 indicated that once again, Applicants signature was unsatisfactory. Though not mentioning specifically what was wrong with the previous signature, Applicant, once more, submitted an oath with his signature on 14th of January 2005. Applicant believed that all that was needed to obtain a filing date was his signature on a new oath or declaration. On 27th of the same

Following Applicants reply, he consistently contacted the Examiner and Supervisor of the Art Unit regarding the status of his application. Each time, the response was positive, in that their responses lead Applicant to believe that no other information was necessary to obtain a filing date. Applicant contends that throughout the year, each and every contact, once a month, resulted in the same. Moreover, nothing in the responses from the USPTO indicated that the signature that Applicant was submitting was insufficient in any detail, as Applicant had no guidance on a proper submission. If such an indication were present, Applicant would have fully complied.

ACTION REQUESTED

Applicant requests that abandonment determination be retracted. Applicant's initial response was within the period for reply for the Notice to File Missing Parts request and while the form used was not traditional, his signature, status and citizenship were submitted none-the-less. Moreover, Applicant submitted his signature a second and a third time in order to comply with the Examiner's requests. Applicant is not entirely familiar with the policies and procedures of the USPTO, but did feel he was performing his duty to the USPTO by responding immediately and truthfully to each and every request. If Examiner would have indicated his reasoning for declining Applicants signature, Applicant would have complied, however, this was not the case.

Respectfully Submitted,



Moti Shai